

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:10-00187-CR-RK
	)	
ROBERT MONTGOMERY,	)	
	)	
Defendant.	)	

**ORDER DENYING MOTION FOR COMPASSIONATE RELEASE**

Before the Court is Defendant Robert Montgomery's pro se motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). (Doc. 253.) Under the First Step Act, a court may reduce a term of imprisonment after an inmate has fully exhausted all administrative rights and upon finding extraordinary and compelling reasons for such sentence modification. The Court finds Defendant Montgomery's request does not establish his administrative remedies have been exhausted and does not establish extraordinary and compelling reasons exist for early release. Additionally, while labeled, and partially argued, as a motion for compassionate release, Defendant also makes arguments regarding the First Step Act. The Court finds Defendant's arguments unpersuasive for the reasons set forth in the Government's brief. Particularly, the Act does not apply retroactively to Defendant's sentence and thus does not provide a basis for the relief requested. *See e.g. United States v. Melvin*, 777 Fed. Appx. 652, 653 (4th Cir. 2019); *United States v. Hunt*, 793 Fed. Appx. 764, 767 (10th Cir. 2019). For these reasons, and the reasons set forth in the Government's brief (Doc. 257), it is hereby **ORDERED** that Defendant Montgomery's motion for compassionate release (Doc. 253) is **DENIED**.

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark  
ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 1, 2020